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09/974,923	10/10/2001	Kelan C. Silvester	INTL-0667-US (P12985)	1093

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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/974,923
Filing Date: October 10, 2001
Appellant(s): SILVESTER, KELAN C.

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 23, 2006 appealing from the Office action mailed November 3, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

The statement of the status of claims contained in the brief is correct.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any,

by reference characters. The brief is deficient because many of the claims involved in the appeal are not mentioned in the summary of claimed subject matter, and some of the claims mentioned in the summary of claimed subject matter are not referred to the specification by page and line number.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

GROUNDS OF REJECTION NOT ON REVIEW

The following grounds of rejection have not been withdrawn by the examiner, but they are not under review on appeal because they have not been presented for review in the appellant's brief. Claims 5, 15, and 24-25 unpatentable over Cromer.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,166,688	CROMER et al.	12-2000
6,654,890	GIRARD	11-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2, 4, 7-9, 11-12, 14, 16-18, 20-21, 23, 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,166,688 to Cromer et al. This rejection is set forth in a prior Office Action mailed on November 3, 2005.

As per claims 1 and 20, Cromer et al discloses a method comprising disabling an operation of a wireless device included within a portable computer (wireless device is capable of transmitting wireless RF signal that meets the recitation of short-range wireless signal), in response to the portable computer being moved outside of an authorized area of use, geographical area being any geographical area capable of being defined (column 8, lines 23-28); the portable computer may be located within a room or building controlled by a gate (that meets the recitation of base station), which includes a wireless transmitter/receiver for transmitting information to/from the portable computer to the gate (see column 3, lines 21-26 and column 3, line 61 through column 4, line 16; and column 4, lines 34-42 and column 5, lines 57-65) that meets the recitation of disabling an operation of a wireless device that fails to communicate with a base station over a range limited wireless protocol, including sending .

As per claims 10, 19, and 29, Cromer et al discloses a process of authenticating the location of the device with the associated password for allowing the device to complete booting the device is prevented from booting unless proper authentication takes place that meets the recitation of preventing the device from booting if the signal is not authenticated by the base station (figures 3A and 3B). **Cromer et al** does not explicitly teach a Bluetooth protocol signal for authentication, which is also well known in the art which involves fast acknowledgement and enhanced security. However, **Girard** in an analogous art discloses in column 1, line 64 through column 2, line 25 an improvement over pre-boot authentication by way of password, by teaching wirelessly locking a computer platform to discourage theft as the platform is transported in a distribution channel, using a pre-boot authentication code (authorization requested by the

platform prior to the system booting up), the device is prevented from booting if a signal is not authenticated by the platform, which meets the recitation of base station (see column 6, lines 16-33). **Girard** further teaches the advantage of using Bluetooth technology for authentication of wireless communication of data from and to the protected device. One of the advantages of using Bluetooth technology is that it provides a universal short-range radio link to communicate with any other digital input output device and in addition it provides fast acknowledgement and frequency hopping scheme to make the link robust, and security can also be enhanced since authentication and encryption can be implemented in each Bluetooth device (column 3, line 45 through column 4, line 35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless device of **Cromer et al** to provide implementation of fast and strong authentication using Bluetooth protocol wireless device for sending/receiving short-range wireless signal as taught by **Girard**. One skilled in the art would have been lead to make such a modification because Bluetooth technology provides several advantages such as universal short-range radio link to communicate with any other digital input output device and fast acknowledgement, and frequency hopping scheme to make the link robust and enhancing security by implementing authentication and encryption in each Bluetooth device, thus devices can authenticate each other as suggested by **Girard** (col 3, line 45-col 4, line 35).

(10) Response to Argument

Regarding claim 1 citing "disabling a device that fails to communicate with base station over a range limited wireless protocol", in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., the claims require a complete lack of communication and the disabling is in response to the failure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner's broad but reasonable interpretation of the claim is the following; "disabling a device that fails to communicate the proper authentication, and the device becomes inoperable when disabled. Applicant's specification describes the claimed limitation as "the base station may only allow user to access stored data after being properly authenticated" (page 4, lines 2-9). In another embodiment the specification describes, "upon receiving the handshake signal, the base station may request an identifier, if the identifier is authenticated by the base station, communication or operation with the system may be allowed, enabling the device to be utilized" (page 5, lines 3-16). Cromer discloses in response to failure of communicating the correct password that matches an authorized area, a device is disabled and becomes inoperable, which is a reasonable interpretation of the recited failure to communicate the proper authentication. "During Patent Examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt, 211* F.3d, 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)." (See MPEP § 2111).

Regarding claim 10, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the claim requires authentication of a signal sent from the wireless device to the base station and further it requires...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 10, which is dependent of claim 1 cites, "preventing the device from booting if the signal is not authenticated by the base station". A broad but reasonable interpretation of the claim is that the prevention from booting only requires a failure of authentication by a base station, which is a reasonable interpretation by the Examiner. "During Patent Examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt, 211* F.3d, 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)." (See MPEP § 2111).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

cc

Carl Colin
April 26, 2006

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